

Message Text

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ACTION IO-14

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AMEMBASSY VIENNA

C O N F I D E N T I A L GENEVA 4938

E.O. 11652: GDS

TAGS: SHUM

SUBJ: HUMAN RIGHTS MACHINERY

REF: A. USUN 1950, B. GENEVA 4937

1. DURING DISCUSSION JUNE 17 BETWEEN IO DEP ASST SEC
BAKER AND HRD CHIEF VAN BOVEN AND HIS DEPUTY SANON, BOTH
EXPRESSED DOUBTS ABOUT ACHIEVABILITY OF UN HUMAN RIGHTS
COMMISSIONER, EXPRESSING PREFERENCE FOR FOCUS ON AFRICAN
REGIONAL MACHINERY (REF B). WHEN BAKER RETURNED TO ISSUE
AND POINTED OUT THAT EFFORT FOR HR COMMISSIONER NEED NOT
BE SEEN AS ONE-YEAR AFFAIR BUT AS A PROCESS, THEY RESPONDED
WITH MORE IMAGINATION AND FOCUSSED, WHEN ASKED, ON AFRICAN
STATES WHICH MIGHT JOIN SUCH AN EFFORT. BOTH FELT BEST
PROSPECTS MIGHT BE SENEGAL, TUNISIA, IVORY COAST AND UPPER
VOLTA AND LAMENTED ABSENCE OF OTHER GOOD PROSPECTS, WRITING
OFF KENYA BECAUSE OF UNCERTAINTY ABOUT KENYATTA'S HEALTH.
FOR SAME REASONS AS IN PARA 4 REFTEL, ORIGIN OF POTENTIAL
COMMISSIONERS AS INDIVIDUAL PROSPECTS NOT RAISED.

2. VAN BOVEN OBSERVED THAT 1978 WOULD BE 30TH ANNIVERSARY
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OF HUMAN RIGHTS COVENANT, EXPRESSING HIS HOPE THAT 1977
FALL GENERAL ASSEMBLY SESSION WOULD PROVIDE OPPORTUNITY,
PERHAPS IN CONNECTION WITH REPORT OF ECOSOC, TO LAUNCH
SIGNIFICANT OBSERVATIONS OF 30TH ANNIVERSARY OF HR DECLARA-
TION. BAKER RESPONDED THAT HE FELT OCCASION OF UNGA'S
DISCUSSION OF ANNIVERSARY COULD PROVIDE USEFUL OPPORTUNITY
TO PROMOTE IDEA OF HUMAN RIGHTS COMMISSIONER. HE EMPHASIZED

THAT IN EVENT SIGNIFICANT OPPOSITION TO COMMISSIONER AT 32ND UNGA, SUBJECT NEED NOT BE BROUGHT TO VOTE, BUT THAT APPROPRIATE, WELL SUPPORTED DISCUSSION COULD BE HELPFUL AND BE FOLLOWED UP BY DISCUSSION IN COURSE OF HR ANNIVERSARY. VAN BOVEN AND SANON APPEARED TO TAKE INTEREST IN THIS APPROACH.

3. AS HE HAD IN PREVIOUS MEETINGS, SANON POINTEDLY ADVANCED ARGUMENTS FOR ACTIVE U.S. PARTICIPATION IN CONVERGENCE OF THE DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION. BAKER REVIEWED FACTORS WHICH MADE U.S. PARTICIPATION DIFFICULT, AND NOTED THAT MUCH AS U.S. WOULD LIKE TO PARTICIPATE, SOLID UNDERSTANDINGS RE ABSENCE OF REFERENCE IN CONFERENCE ACTIONS TO RESOLUTION 3379 ON ZIONISM-RACISM WOULD BE MINIMUM REQUIREMENT. SANON REACTED WITH EXPRESSED FEAR THAT WITHOUT U.S. AND WEST, MEETINGS WOULD BECOME "JUST ANOTHER AFRO-ASIAN" FORUM. SANON ALSO WENT ON TO URGE THAT UNITED STATES MAKE FINANCIAL CONTRIBUTION TO CONFERENCE, TO WHICH BAKER REPLIED THAT PLEDGE OR DELIVERY OF SUCH CONTRIBUTION FUNDED BY U.S. CONGRESS WOULD BE HARD TO IMAGINE WITHOUT ASSURANCES AND RESULTS FREE OF REFERENCE TO ZIONISM-RACISM.

4. WHEN BAKER RECALLED EARLIER U.S. PROPOSAL OF COMMITTEE ON TORTURE, VAN BOVEN WAS RESPONSIVE BUT NOTED FATE OF SIMILAR DUTCH PROPOSAL IN HRC TO CREATE TORTURE GROUP AT HRC SUB-COMMISSION LEVEL. HE NOTED THAT NATIONS WHICH HAD RECENTLY

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EMERGED FROM PERIODS IN WHICH DETAINEES HAD SUFFERED MIGHT NOW BE INTERESTED IN SUCH A PROPOSAL, NOTING IN PARTICULAR PORTUGAL, GREECE AND INDIA.

5. IN SEPARATE CONVERSATION ON HR MACHINERY, SANON NOTED POTENTIAL OF SYG ROLE URGING THAT HE SHOULD BE ENCOURAGED TO UTILIZE HIS STANDING AS "WORLD CONSCIENCE" TO UNDERTAKE GOOD OFFICES ACTION AT TIMES OF GROSS HR VIOLATIONS. HE FURTHER SUGGESTED THAT VISIT OF SYG OR EVEN AN UNDERSECY TO HRC WHEN IN SESSION WOULD ADD IMPORTANCE TO HRC WORK AND PERHAPS PERMIT DIRECT EXPOSURE OF SYG TO URGINGS OF HRC DELS THAT HE USE HIS OFFICE MORE ENERGETICALLY.

6. SUBSEQUENT DISCUSSIONS WITH AMERICAN EMPLOYEES OF HRD (WHO WERE ENTHUSIASTIC ABOUT 1977 HRC DEL PERFORMANCE) ALSO REVEALED DOUBTS ABOUT HR COMMISSIONER PROSPECTS. SEVERAL COMMENTED THAT U.S. CREDIBILITY AS PROPONENT OF HR MACHINERY WEAKENED BY FAILURE TO RATIFY CONVENTION ON DISCRIMINATION, WHOSE MACHINERY REQUIRES REPORTS BY ADHERENTS TO CONVENTION, AND COVENANT ON CIVIL AND POLITICAL RIGHTS, WHICH HAS IMPLEMENTATION MACHINERY.

7. IT APPEARS CLEAR THAT CURRENT REORGANIZATION EFFORTS IN HRD NOT LIKELY TO PRODUCE MORE PRIORITY FOR PROCESSING COMMUNICATIONS. THIS ACTIVITY DOES NOT APPEAR TO HAVE MUCH PRIORITY. LENGTHY COURSE WHICH COMPLAINTS MUST FOLLOW ONLY TO BE DESCRIBED AT END AS OBSOLETE AND IRRELEVANT APPEARS TO HAVE REDUCED ENTHUSIASM IN HRD FOR 1503 PROCEDURES EVEN THOUGH ALL REALIZE THAT THERE IS LITTLE OTHER MACHINERY EXCEPT FOR AD HOC COMMITTEES OR SPECIAL CASES SUCH AS CHILE.

8. COMMENT: EMPHASIS ON FLEXIBILITY IN PURSUIT OF HR MACHINERY OBJECTIVES MADE IN FINAL PARA OF REFTEL SHOULD, IN OUR VIEW, BE WORKED INTO ANY FUNDAMENTAL DOCUMENTS OUTLINING U.S. MULTILATERAL STRATEGY IN HUMAN RIGHTS FIELD.
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